

MINUTES
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, MAY 1, 2018
CITY HALL COUNCIL CHAMBERS

Mayor Schramer called the Committee of the Whole meeting to order at 7:00 p.m. Roll call present: Ald. Lehr, Boeck, Przybyl, Erdmann, Secora and Harke. Staff present: Lindsey Kemnitz, Matt Chier, Jodie Olson and Susan Thom.

Robert Bahn, Town of Berlin, Chairman, requested that the ETZA contract agreement with Town of Berlin and Town of Aurora be removed from the closed session. CJ Young, Town of Aurora, Chairman, requested that the ETZA contract agreement with Town of Berlin and Town of Aurora be removed from the closed session. Matt Kirkman, Green Lake County Zoning Dept. reviewed some of the Conditional Use Permits and variances that were approved in the ETZA and none of these would be honored by the County as their uses may or may not be identified as conditional uses in the County zoning ordinances. Kirkman stated the property owner would be required to meet County zoning ordinance standards or attempt to obtain a County zoning variance. Kirkman requested that if the City of Berlin dissolves the ETZA that they give the County time to evaluate the 1000 plus parcels to reclassify for zoning and map and comprehensive plan amendments.

Michelle Cassidy, 181 E Noyes St, expressed her concern regarding lack of notification to residents of Berlin concerning the possibility of a transitional living house on W. Berlin Street. Cassidy requested Council consider placing this issue on the next agenda for discussion.

Next on the agenda was a raze order for 130 W. Berlin Street. Kemnitz indicated that Fortifi Bank would not be taking action on the property because the mortgage is not delinquent. Harke moved to direct the City Attorney to issue a raze or repair order on 130 W Berlin Street. Przybyl seconded the motion, which carried by voice vote.

At 7:19 p.m. Erdmann moved to convene into closed session pursuant to Sec 19.85 (1) (e), of the WI Statutes, to deliberate or negotiate the purchase of public property, investment of public funds or conduct other specified public business, whenever competitive or bargaining reasons require a closed session. *(1) Union and non-union health plan renewal/post-retirement health insurance benefits, (2) ETZA contract agreement with Town of Berlin and Town of Aurora and (3) Update the EMS contract with Thedacare-CHN* and pursuant to Sec. 19.85 (1) (g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved *(107 W. Huron Street possible litigation status update)*. Lehr seconded the motion. A roll call resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion carried. Erdmann moved to seat Kemnitz and Olson for the closed session discussion. Secora seconded the motion, which carried by voice vote. Discussion continued in closed session.

Erdmann moved to reconvene into open session at 7:50 p.m. Przybyl seconded the motion, which carried by voice vote.

Discussion was held on a draft Ordinance to repeal the City's Extraterritorial Zoning Authority. Atty Chier reviewed that the administrative expense by the City of Berlin staff was not being equally shared. An analyze was conducted to review the cost and time Lindsey Kemnitz puts towards the ETZA. A

proposal was drafted to share the cost and discussed at the joint ETZA meeting. The joint ETZA board did not agree with all the sharing of all the costs which lead to the discussion to resolve the ETZA. Chier stated that State Legislature changed so that local municipality can't regulate livestock property. Chier stated the ordinance should not pass until the Comprehensive Plan is changed. Lehr stated that the ETZA is no longer a benefit to the city but a cost to the City. Lehr moved to have staff continue working on the Comprehensive Plan update and the ordinance to repeal all exercising of the City's Extraterritorial Zoning Authority with an effective date of November 1, 2018. Secora seconded the motion, which carried by voice vote.

Atty Chier gave an informational presentation on Ethics.

Lehr moved to adjourn at 9:03 pm. Przybyl seconded the motion, which carried by voice vote.

Susan Thom, Deputy Clerk